

Laurence M. Rosen, Esq. (SBN 219683)

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Counsel for Plaintiff

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BRIAN APEL, INDIVIDUALLY	)	No. 2:16-cv-01881-SVW-AFM
AND ON BEHALF OF ALL OTHERS	)	
SIMILARLY SITUATED,	)	<b>NOTICE OF VOLUNTARY</b>
	)	<b>DISMISSAL PURSUANT TO</b>
Plaintiff,	)	<b>FED. R. CIV. P. 41(a)(1)(A)(i)</b>
	)	
vs.	)	<u>CLASS ACTION</u>
	)	
PERFORMANCE SPORTS GROUP	)	JUDGE: Hon. Stephen V. Wilson
LTD., KEVIN DAVIS, MARK	)	
VENDETTI, AND AMIR	)	
ROSENTHAL,	)	
	)	
Defendants.	)	
	)	

**PLEASE TAKE NOTICE** that Plaintiff Brian Apel files this notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Defendants have not filed an Answer or moved for summary judgment. A class has not been certified. Plaintiff has not previously dismissed an action based on or including the same claims as presented in this instant action.

Furthermore, there is a substantially similar action pending against the same Defendants in the United States Court for the Southern District of New York styled as *Nieves v. Performance Sports Group, Ltd. et al*, Docket No. 1:16-cv-

1 03591 (S.D.N.Y.) (the “Nieves Action”), asserting claims under Sections 10(b)  
2 and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated  
3 thereunder, arising from the same conduct as the instant action. Similarly, both  
4 the instant action and the Nieves Action are at the same procedural posture since  
5 both are currently at the lead plaintiff stage. This dismissal is without prejudice.

6  
7 Dated: May 17, 2016

Respectfully submitted,

8 **THE ROSEN LAW FIRM, P.A.**

9  
10 /s/ Laurence Rosen, Esq.

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15 Counsel for Plaintiff  
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**CERTIFICATE OF SERVICE**

I, Laurence M. Rosen, hereby declare under penalty of perjury as follows:  
I am the managing attorney of The Rosen Law Firm, P.A., with offices at 355 South Grand Avenue, Suite 2450, Los Angeles, CA 90071. I am over the age of eighteen.

On May 17, 2016, I electronically filed the following **NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i)** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on May 17, 2016.

/s/ Laurence Rosen

Laurence M. Rosen